

UNITED STATES DISTRICT COURT

Southern _____ District of _____ New York

D.B. ZWIRN SPECIAL OPPORTUNITIES
FUND L.P.

Plaintiffs,

v.

DEL CASTELLO GALLERY, INC. (f/k/a
MDC Vacuum Products Corporation) a
California Corporation, and
MICHAEL DEL CASTELLO

Defendants

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

08 CV 3044

March 25, 2008

TO: (Name and address of Defendant)

Del Castello Gallery, Inc.
c/o Michael Del Castello
5401 S.E. Scenic Lane
Unit 104
Vancouver, WA 98661

Michael Del Castello
5401 S.E. Scenic Lane
Unit 104
Vancouver, WA 98661

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

George Royle V, Esq.
Latham & Watkins LLP
885 Third Avenue
New York, NY 10022

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL MASHON

MAR 25 2008

CLERK

DATE

(By) DEPUTY CLERK

Marco Quintero

SAO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____	Date _____	<i>Signature of Server</i> _____
<i>Address of Server</i> _____		
 AHMAD J. KADHIM		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

D.B. ZWIRN SPECIAL OPPORTUNITIES FUND L.P.,

v.
Plaintiff,

DEL CASTELLO GALLERY, INC. (f/k/a MDC
Vacuum Products Corporation), a California
Corporation, and MICHAEL DEL CASTELLO,

Defendants.

08 Civ. 3044 (AKH)(GWG)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JESSICA L. BENGELS, being duly sworn, deposes and says:

1. I am over 18 years of age and am employed by Latham & Watkins LLP and am not a party to this action.

2. On Tuesday, March 25, 2008, I served true and correct copies of a: (1) Summons in a Civil Action, dated 3/25/08; (2) Complaint, dated 3/25/08; (3) Civil Cover Sheet, dated 3/25/08; (4) FRCP 7.1 Statement, dated 3/25/08; and (5) Individual Practices of Judge Alvin K. Hellerstein and Magistrate Judge Gabriel W. Gorenstein, via Registered Mail, Return Receipt Requested, though the United States Postal Service, in accordance with the terms of Section 3.04 of the Seller Note and Put Option Subordination Agreement, dated 12/9/05, and Section 3.04 of the Consulting Fee Subordination Agreement, dated 12/9/05 (true and correct copies of which were attached as Exhibits 1 and 2 to the aforementioned complaint), upon:

Del Castello Gallery, Inc.
c/o Michael Del Castello
5401 S.E. Scenic Lane
Unit 104
Vancouver, WA 98661

- and -

Michael Del Castello
5401 S.E. Scenic Lane
Unit 104
Vancouver, WA 98661

by delivering and leaving same in an official depository of the United States Postal Service located at 885 Third Avenue, New York, N.Y. 10022.



JESSICA L. BENGELES

Sworn to before me this
27th day of March, 2008



Notary Public

JASON A. GROSSMAN
Notary Public, State of New York
No. 02GR6144344
Qualified in Suffolk County
Commission Expires April 24, 2010